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EXAMINER

NATNAEL, PAULOS M

ART UNIT	PAPER NUMBER
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2614

16

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/633,687

Applicant(s)

ENGHOLM, KATHRYN A.

Examiner

Paulos M. Natnael

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims **1-8, 10-13** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Considering claim **1**, the claimed display of signal characteristics for multiple channels/codes within a region of interest comprising a status ribbon in the form of a bar having a length and a width less than the length, the bar being subdivided into a plurality of adjacent stripes across the width, each stripe representing at least one channel/code within the region of interest and having a trait representative of a value for the at least one channel/code;

Claim **1** falls under the nonstatutory **nonfunctional descriptive material** such as music literary works and mere arrangement of data. Therefore, when the claims 1-8, 10-13 are taken as a whole (claims 2-8, 10-13 are dependent claims), they are non-statutory which lack structure or article.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-8, and 10-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification discloses a status ribbon 10 having a band of vertical stripes 12, each stripe pertaining to one or more channels in a frequency range of interest or to one or more code within a single digital communications RF channel. However, claim 1 now recites "a status ribbon in the form of a bar having a length and a width less than the length, the bar being subdivided into a plurality of adjacent stripes across the width, each stripe representing at least one channel/code within the region of interest and having a trait representative of a value for the at least one channel/code." Therefore, the added limitation in claim 1 is new matter. If Applicant contends this is not new matter, specific location page #, line # should be pointed out.

5. Note: Even if the newly added limitation was not new matter, such a language (***as shown in the 35 USC § 102 rejection below***) is met by Yokayama where Signal Level Images or Bars 96, 97, and 98 which comprise a status ribbon in the form of a bar having a length and a width less than the length, the bars having been subdivided into a plurality of adjacent stripes across the width as claimed, as shown in the figure 3.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims **1-3, 6-7, 10-11** are rejected under 35 U.S.C. 102(b) as being anticipated by **Yokoyama et al.**, U.S. Pat. No. **5,291,285**.

Considering claim **1**, the claimed display of signal characteristics for multiple channels/codes within a region of interest comprising a status ribbon in the form of a bar having a length and a width less than the length, the bar being subdivided into a plurality of adjacent stripes across the width, each stripe representing at least one channel/code within the region of interest and having a trait representative of a value for the at least one channel/code, is met by Signal Level Images or Bars 96, 97, and 98, (Fig.3) which display levels of television channels having a plurality of ranges and amplitude, associated with respective TV channels, wherein the number of channel representation (bars) on the screen may be changed as necessary (col. 8, lines 7-17), and by the disclosure that "a region 92 within the scale display region 91 for displaying level images, such as bars 97, associated with respective TV channels." (Col. 4, lines 64-67)

Considering claim **2**, wherein the trait represents a measured value for a signal parameter of the at least one channel where the region of interest is a frequency range having multiple channels, is met by is met by Fig.3, which illustrates the control panel

and screen of a TV signal level meter, including bars 96,97 and 98 show the digital level value of a specified channel.

Considering claim 3, wherein the trait represents a condition for a signal parameter of the at least one channel where the region of interest is a frequency range having multiple channels.

Regarding claim 3, see rejection of claim 2;

Considering claim 6 and 7, wherein the trait is color and wherein the trait is brightness, respectively, is inherent because bar graphs in spectrum analyzers such as shown in FIG.3 for channels 96 to 98 or for other data are shown in different colors or different brightness levels to make it easier for the user of the level meter or spectrum analyzer.

Considering claim 10, wherein the trait represents activity for the at least one code where the region of interest is a digital communications radio frequency channel is met by bar 96, Fig.3.

Considering claim 11, wherein the trait represents a parameter for the at least one code where the region of interest is a digital communications radio frequency channel.

Regarding claim 11, see rejection of claim 10.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims **4 and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Yokoyama et al.**, U.S. Pat. No. **5,291,285**.

Considering claims **4 and 5**, Yokoyama et al. discloses all claimed subject matter, except for;

wherein the condition is selected from the group consisting of pass and fail and wherein the condition is selected from the group consisting of pass, caution and fail;

Regarding claims **4 and 5**, Yokoyama discloses the "region 94 for displaying digital values and other data for a specified channel (SP-CH); and a region for displaying other data items. Yokoyama discloses a TV signal level meter which is capable of measuring an simultaneously indicating the levels of signal for a multitude of TV channels. (Col. 2, lines 5-8) Since the claimed conditions such as pass, caution and fail imply some sort of measurement or test had been done or conducted on the desired subject, it would have been, therefore, obvious to the skilled in the art at the time the invention was made to modify the reference of Yokoyama to display such claimed conditions as pass, caution and fail in the region 94 for displaying digital values and other data items, so that the user can easily monitor the operation.

### ***Response to Arguments***

10. Applicant's arguments filed on September 13, 2004 have been fully considered but they are not persuasive. Response follows:

#### **Applicant's Arguments**

The Board states that there is no evidence of record that the word "status ribbon" in the specification and claim 1 had any special meaning to the artisan at the time of disclosure, nor did it find any particular definition of the word in the specification.

Therefore Applicant has amended claim 1 to define "status ribbon" as being "...in the form of a bar having a length and a width less than the length, the bar being subdivided into a plurality of adjacent stripes across the width, each stripe representing..." as specifically shown in Fig. 1; Applicant submits that Yokoyama does not have a bar that is subdivided into a plurality of stripes, but rather has a plurality of bars. This language defines the status ribbon where the stripes are of the same dimension ("across the width") and abut each other ("adjacent stripes"), which language the Board found lacking as it equated bar length to the claimed trait. Thus as amended claim 1 and all other claims dependent therefrom are deemed to be allowable as being neither anticipated nor rendered obvious to one of ordinary skill in the art by Yokoyama.

#### **Examiner's Response**

See rejection of claim 1 both under **35 USC § 102** and **35 USC § 112** above.

Yokoyama's Signal Level Images or Bars 96, 97, and 98 comprise a "status ribbon" in the form of bars having obviously a length and a width less than the length, the bars



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having been subdivided into a plurality of adjacent stripes across the width as shown in figure 3. Thus, the argument that Yokoyama does not disclose such a "status ribbon"

### ***Allowable Subject Matter***

11. Claims 8, 12-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


12. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to disclose a display of signal characteristics comprising, a draggable window encompassing a subset of codes for which additional detail is desired where the region of interest is a frequency range having multiple channels, as in claim 8; and, draggable window encompassing a subset of codes for which additional detail is desired where the region of interest is a digital communications radio frequency channel, as in claim 12.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (703) 305-0019. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**PAULOS M. NATNAEL**  
**PATENT EXAMINER**

PMN  
November 5, 2004